



N. LUCY CHUKWURAH LAW GROUP, P.C.

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June 14, 2019

VIA Electronic Mail

Houston NFL Holdings, L.P. (the "Texans")

c/o David M. Gregory, Counsel

2800 JPMorgan Chase Tower, 600 Travis

Houston, TX 77002

Telephone: 713-226-1200

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dgregory@lockelord.com

LITIGATION HOLD REQUEST

RE: Employment Termination of Jeff Pope

Dear Counsel,

As you are aware this firm has been retained by Jeff Pope to represent him and to investigate and pursue all remedies available to him in conjunction with the terms and conditions of his separation of employment from HOUSTON NFL HOLDINGS, LP ("the Texans"). The purpose of this letter is to inform you of our client's resolve in pursuing this matter. As such, any and all future communications regarding Mr. Pope should be directed to my attention.

Please know that our client is not litigious; however, he will not forego nor waive any legal rights related to his employment with your organization. These rights include his ability to bring claims of discrimination based on color and race pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 USC Section 1981, and the Texas Labor Code Chapter 21. Mr. Pope's allegations in this regard are detailed in his previously filed Charge of Discrimination, which was served upon you under separate cover. Mr. Pope also alleges that the Texans have knowingly violated his rights under the Fair Labor Standards Act (FLSA) of 1938, as amended, by failing to pay all his overtime for his entire tenure with the Texans.

As the facts of this matter have been provided to your organization in some detail, we will not waste anyone's time with another recitation of facts.

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LITIGATION HOLD REQUEST

The Federal Rules of Civil Procedure impose upon the Texans, a duty to preserve evidence in anticipation or conduct of litigation. In this connection, we ask that the Texans place a litigation hold and preserve all documents, tangible things, and electronically stored information (ESI) regarding Mr. Pope's employment with the Texans and all claims related to his filed Charge of Discrimination and that related to his claims under the FLSA. Pending completion of discovery, please suspend any regular document destruction policy.

This request for preservation of evidence includes, but is not limited to, preserving all methods by which information is created or maintained. Such methods include but are not limited to paper and electronic documents, data-bases, document management systems, video and oral recordings, photographs, electronic images, internet images, instant messages, text messages, social media, voice mails, e-mails (including message contents, headers, html source, attachments and logs of e-mail system usage), electronic calendars and schedules, file fragments, browser logs, internet download logs, internet logs, browser logs, network access logs, cookies, browser caches, work logs, telephone logs, local and long distance telephone records, imaged files and drives, and backup media. The evidence is to be preserved in its native format, and the request includes preservation of software, tools, applications, utilities and the like needed to access the evidence in its native format. Further, the request includes the suspension of routine document destruction and the preservation of all evidence created after the date of this letter.

Please keep in mind that the information may be part of personnel records, medical records, investigation records, incident reports, interview statements, interview notes, memos, drafts, meeting agendas and notes, time cards, in/out records, security logs, security tapes, internet camera digital recordings, word processing documents, word processing revision marks and metadata, facsimiles, letters, spreadsheets, calendars, personal information management data, training materials, presentation materials, and expense reports.

Although the Texans have an independent responsibility to identify and appropriately preserve and retain all relevant information, we have specifically identified certain items, among others, as having a significant likelihood of containing discoverable information regarding Mr. Pope's employment and all other issues related to this matter:

1. The entire personnel and payroll files (public and private versions), including



Litigation Hold Request – Jeff Pope v. Texans 2

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but not limited to, the native files for all employee disciplinary forms and performance review forms of the following individuals, respectively:

- Brian Gaine
 - Bill O'Brien
 - Rick Smith
 - Jeffery Pope
 - Sean Washington
 - Larry Wright
 - CJ Leak
 - Tolu Lasaki
 - Jimmy Raye III
 - Jon Carr
 - Mike Martin
 - Emmett Baylor
 - Frantzy Jourdain
 - Rita Daniels
 - Alto Gary
 - Eric Saninocencio
 - Jenerro Wade
 - Tyrell Lynch
 - Chris Blanco
 - Steven Price
 - Any and all interns for the last five (5) years
 - Any and all African Americans that worked under the tenures of Rich Smith and/or Brian Gaine
 - Anyone of any race, employed by the Texans in any capacity, hired by Rick Smith, Brian Gaine and/or Bill O'Brien
 - Anyone of any race, employed by the Texans in any capacity, fired by Rick Smith, Brian Gaine and/or Bill O'Brien
 - Any and all African Americans employed by the Texans in any capacity
2. All documents, communications and ESI, including but not limited to, any emails created, sent or received regarding the following people, respectively:



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- Brian Gaine
 - Bill O'Brien
 - Rick Smith
 - Jeffery Pope
 - Sean Washington
 - Larry Wright
 - CJ Leak
 - Tolu Lasaki
 - Jimmy Raye III
 - Jon Carr
 - Mike Martin
 - Emmett Baylor
 - Frantzy Jourdain
 - Rita Daniels
 - Alto Gary
 - Eric Saninocencio
 - Jenerro Wade
 - Tyrell Lynch
 - Chris Blanco
 - Steven Price
 - Any and all interns for the last five (5) years
 - Any and all African Americans that worked under the tenures of Rich Smith and/or Brian Gaine
 - Anyone of any race, employed by the Texans in any capacity, hired by Rick Smith, Brian Gaine and/or Bill O'Brien
 - Anyone of any race, employed by the Texans in any capacity, fired by Rick Smith, Brian Gaine and/or Bill O'Brien
 - Any and all African Americans employed by the Texans in any capacity
3. All documents, communications, and ESI, including but not limited to, any emails created, sent or received regarding Brian Gaine;
4. All documents and ESI, including but not limited to, any emails created, sent or received regarding any employee hired or fired by Brian Gaine;



Litigation Hold Request – Jeff Pope v. Texans 4

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5. All documents, communications, and ESI, including but not limited to, any emails created, sent or received regarding any employee hired or fired by Rick Smith;
6. All documents, communications, and ESI, including but not limited to, any emails created, sent or received regarding any employee hired or fired by Bill O'Brien;
7. All documents, communications, and ESI regarding the Texan's policies on employee discipline, discrimination, harassment, hostile work environment, retaliation, supervision of subordinates, promotion of employees, and training of employees.
8. All documents, communications, and ESI regarding the Texan's policies on payroll, compensation, bonuses, benefits of any kind, and overtime.
9. All documents, communications, and ESI regarding any payroll records or how employees are paid for the following:
 - Brian Gaine
 - Bill O'Brien
 - Rick Smith
 - Jeffery Pope
 - Sean Washington
 - Larry Wright
 - CJ Leak
 - Tolu Lasaki
 - Jimmy Raye III
 - Jon Carr
 - Mike Martin
 - Emmett Baylor
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- Any and all interns for the last five (5) years
 - Any and all African Americans that worked under the tenures of Rich Smith and/or Brian Gaine
 - Anyone of any race, employed by the Texans in any capacity, hired by Rick Smith, Brian Gaine and/or Bill O'Brien
 - Anyone of any race, employed by the Texans in any capacity, fired by Rick Smith, Brian Gaine and/or Bill O'Brien
 - Any and all African Americans employed by the Texans in any capacity
10. All documents, communications, and ESI regarding payment of unemployment insurance benefits paid to any employee of the Texans in the last five (5) years;
11. All timesheets, payroll records, pay stubs, claims for reimbursement for Jeff Pope and anyone similarly situated, as an employee of the Texans in any capacity, for the last five (5) years.
12. All documents, communications, and ESI, including but not limited to, any emails created, sent or received regarding any internal and/or external complaints concerning employee discipline, discrimination, harassment, hostile work environment, retaliation, supervision of subordinates, promotion of employees, payroll, compensation, payment of overtime, and training of employees made against the Texans, its employees or agents, including any internal investigation or litigation files;
13. All of the Texans's documents, communications, ESI, and records referring or relating to training of interns, employees, administrators, managers, supervisors and non-management employees regarding employee discipline, discrimination, harassment, hostile work environment, retaliation, supervision of subordinates, promotion of employees, and training of employees as well as EEO policies, including complaint and investigation procedures in effect during Mr. Pope's employment with the Texans; and
13. The following files:
- All documents, communications, and ESI regarding each and every contact or communication between your Human Resources department and any employee of the Texans regarding Jeff Pope.
 - All documents, communications, and ESI regarding each and every



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contact or communication between your Human Resources department and Jeff Pope.

- All documents, communications, and ESI regarding any complaint against any Texans' employee or agent filed by Jeff Pope.
- All documents, communications, and ESI regarding complaints against Jeff Pope filed by any employee or agent of the Texans.
- All documents, communications, and ESI regarding complaints against Brian Gaine filed by any Texans' employee, agent, third party vendor or journalist.
- All documents, communications, and ESI regarding complaints against Bill O'Brien filed by any Texans' employee, agent, third party vendor or journalist.
- All documents, communications, and ESI regarding complaints against Rick Smith filed by any Texans' employee, agent, third party vendor or journalist.
- All communications between any Texans' employees or agents and any media outlet regarding Jeff Pope.
- All communications between the Texans' employees or agents regarding Jeff Pope.

Also, please keep in mind that electronic data may not only reside on hard drives and backup media, but also servers, remote servers, "cloud based" servers, home computers, hard drives of copiers, RAM on printing or facsimile devices, personal digital assistants (pda), cell phones, camera phones, digital cameras, digital recorders, analog recorders, flash drives, floppy disks, CD-ROM disks, DVD disks, Bernoulli disks, magnetic tapes, computer chips, metadata, devices such as a PalmPilot, Blackberry, Iphone smart phones, netbooks, laptops, GPS devices, Ipads, tablets, and an Ipod and services such as Facebook, LinkedIn, Dropbox, Google+, MySpace, websites, Gmail, Yahoo Mail, Hotmail, and Netscape Mail. Additionally, evidence may be possessed by others, such as outside directions, former vendors, contractors and the like.

Until you fully and completely mirror all electronic data subject to preservation in connection to this matter, we request that you not alter any electronic data. Altering electronic data can include back up media rotation; electronic data shredding; scheduled destruction of back up media; re-imaging of drives; drive hardware exchanges; transfers or destruction of electronic storage devices systems; and defragmentation and maintenance



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routines of electronic storage devices.

Please note that an electronic backup of a hard drive or other electronic device is not adequate preservation. Rather a mirror or image of a hard drive or other electronic device is needed such that all areas, used and unused, of the electronic device are preserved. Further, any deleted files covered by this request which are reasonably recoverable are to be recovered now to prevent over writing the file.

Please communicate this request to each individual controlled by your client who was involved in making or investigating the subject matter of Mr. Pope's claims or may reasonably be expected to have created, maintained or stored the information described above.

If you have any questions regarding this request or if you do not understand any portion of it, please contact the undersigned immediately.

Cordially,

N. LUCY CHUKWURAH LAW GROUP, P.C.



N. Lucy "Kechi" Chukwurah
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For the Firm

Litigation Hold Request – Jeff Pope v. Texans 8

